

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

## ANTHONY BIRDINE,

**Defendant.**

**CASE NO. 8:06CR202**

## ORDER

This matter is before the Court on the Defendant's motion to withdraw (Filing No. 119) his motion to vacate (Filing No. 116).

The Court advises the Defendant that withdrawing his currently filed motion to vacate will not prejudice the timely filing of his anticipated motion to vacate under 28 U.S.C. § 2255.

IT IS ORDERED:

1. The Defendant's motion to withdraw (Filing No. 119) is granted;
2. The Defendant's motion to vacate filed under 28 U.S.C. § 2255 (Filing No. 116) will be stricken, and the Clerk is directed to terminate the motion from the Court's pending motion list;
3. The Defendant's motions for leave to proceed in forma pauperis (Filing Nos. 117, 118) are denied as moot; and
4. The Clerk is directed to mail a copy of this order to the Defendant's last known address.

DATED this 18<sup>th</sup> day of December, 2008.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge